

State Licensing Board for Residential and General Contractors met on December 6, 2006 at the Professional Licensing Boards Division in Macon, Georgia for the purpose of discussing business.

Members Present:

**Roger Huggins, Board Chairperson
Philip Thayer, Vice Chairperson
Mark Herbert
Bob Barnard
Steve Cash
Melissa Henderson
Morgan Wheeler
Dan Cash
Timothy Ansley
Hoppy Hopkins
David Cyr**

Others Present:

**Kyle Floyd, Executive Director
Chris Helms, Board Attorney
Alison Kessler, Board Secretary
Tyler Newman, Home Builders Association of Georgia
Penny Round, Atlanta Home Builders Association
Mark Woodall, Associated General Contractors of Georgia
Kevin Veler, attorney representing the National Association of
Remodeling Industry (Atlanta Chapter)
Charles Brown, applicant
Bill Daughtry, attorney representing Charles Brown
Dennis Lynn Boley, applicant
Melvin Harley Fulghum, applicant
Daniel F. Cavender
Salmeh K. Fodor, attorney representing Daniel F. Cavender**

At 9:10 a.m., Chairperson Huggins established a quorum was present and called the meeting to order.

A motion was made by Mark Herbert and seconded by Morgan Wheeler to approve the November 1, 2006 minutes. Comments were called for and Chairperson Huggins requested that his comment from the November 1, 2006 minutes regarding the laundry list of specialty contractors be included. The Board voted unanimously to accept the minutes with this amendment included.

Chairperson Huggins and Vice Chairperson Thayer explained to the applicants making an appearance that if they were making an appearance to the Board to discuss their denial on the basis of the five year requirement, that the Board's authority on that was very limited because

they as a collective Board have to follow the law the way that it is written. Thayer further explained that applicants who were denied for the Qualifying Agent status do have the option of applying for an individual status for licensure through examination exemption.

A motion was made by Morgan Wheeler, seconded by Mark Herbert, and the Board members present: Morgan Wheeler, Mark Herbert, Steve Cash, Melissa Henderson, Bob Barnard, Philip Thayer, Roger Huggins, Timothy Ansley, Dan Cash, David Cyr and Hoppy Hopkins voted to enter into Executive Session for the purpose of applicant appearances and the discussion of applications.

A motion was made by Steve Cash, seconded by Morgan Wheeler, and the Board voted unanimously to move back into open session.

Chris Helms, Board Attorney, told the Board that certificates of occupancy and building permits would be a justifiable request of applicants by the Board to prove supervisory or management experience.

Executive Director, Kyle Floyd, delivered the Executive Director's report.

The Board considered correspondence from the Tennessee Board for Licensing Contractors and from the Associated General Contractors of East Tennessee. The Board decided to table discussion regarding reciprocity for a later date.

Kyle Floyd updated the Board on the examination process.

Chairperson Huggins requested specific information regarding the examination.

Kyle Floyd explained that he was not privy to a lot of information regarding the examination and the bid process. Morgan Wheeler reiterated Mr. Floyd's statement, as Mr. Wheeler was present at the offeror's conference regarding the request for proposals (RFP) on November 17, 2006. Mr. Wheeler explained further that even if the Board had access to the specifics on the contract, they as a collective body would not be able to do much given the process a state agency has to abide by during the bidding period for examination.

Roger Huggins conceded that he has never been involved in the RFP and contract process at the state level and was just inquiring about specific information. Mr. Huggins requested a conference call be scheduled on Thursday, December 14, to keep the Board abreast of, and allow the Board to vote to approve, the successful vendor.

Morgan Wheeler requested that Board Secretary, Alison Kessler, research who was named for the examination subcommittee and report her findings to the Board at the next meeting.

Board Attorney, Chris Helms, explained that if the Board met on December 14 for a conference call, he would not be able to attend but would ensure that an attorney from his office covered the meeting. ⁽¹⁾

The Board discussed the 2007 Board calendar and decided that until further notice, the Board would meet as a full Board the first Wednesday of each month. The only exception to that would be in January and in February and the Board would meet on the second Wednesday of those months.

Mark Woodall, representing the Associated General Contractors of Georgia, presented proposed items for the 2007 legislative session.

A motion was made by Hoppy Hopkins, seconded by Bob Barnard, and the Board voted unanimously to uphold the denial for licensure through examination exemption of the following:

***Charles Daniel Brown*, Residential Basic Qualifying Agent for Daniel Brown Construction, Inc.**

***Melvin Harley Fulghum*, Residential-Light Commercial Qualifying Agent for BC Services, Inc.**

***Dennis Lynn Boley*, General Contractor Qualifying Agent for Gibson's Pressure Grouting Service, Inc.**

A motion was made by Hoppy Hopkins, seconded by Bob Barnard, and the Board voted, with the exception of Morgan Wheeler who opposed the motion, to deny the following for licensure through examination exemption:

***Sampson I. Chastain*, Residential Basic Individual**

***Carl Clifford Christensen*, Residential Basic Qualifying Agent for C&C Custom Homes, Inc.**

***Frank V. Serafini, Jr.*, Residential Basic Qualifying Agent for Frank Serafini Builders, Inc.**

***Robert L. Brown*, Residential-Light Commercial Qualifying Agent for Robert L. Brown**

(1.) The December 14, 2006 conference call never materialized because on December 18, 2006, further bid evaluation was performed.

Annie Dorman, Residential-Light Commercial Qualifying Agent for Nice Roofs and More, Inc.

Gary O. Macky, Residential-Light Commercial Qualifying Agent for Budget Sewer Services, Inc.

Luis Morales, Residential-Light Commercial Individual

William Arthur Phyfer, Residential-Light Commercial Qualifying Agent for Southern Property Improvers, Inc.

Robert Allen Harp, General Contractor Qualifying Agent for Sunbelt Structures, Inc.

Gary D. Loflin, General Contractor Qualifying Agent for APAC-Tennessee, Inc.

A motion was made by Bob Barnard, seconded by Hoppy Hopkins, and the Board voted, with the exception of Morgan Wheeler who opposed the motion, to uphold the denial of licensure through examination exemption of the following:

Tony Koncul, Residential Basic Qualifying Agent for Tony Koncul Construction, Inc.

Tracy Lyn Miller, Residential Basic Qualifying Agent for Miller Custom Homes, Inc.

A motion was made by Philip Thayer, seconded by Bob Barnard, and the Board voted unanimously to overturn the denial of licensure through examination exemption of the following:

Gary A. Nix, General Contractor Qualifying Agent for Gary A. Nix, Inc.

A motion was made by Roger Huggins, seconded by Timothy Ansley, and the Board voted unanimously to deny the following for licensure through examination exemption:

Dr. Herbert Marion Barber, Jr., General Contractor Qualifying Agent for HB Technologies, Inc.

Carl Isaac Boyette, General Contractor Qualifying Agent for Boyette Electric, Inc.

Steve Roy Frey, General Contractor Qualifying Agent for Frey-Moss Structures, Inc.

Billy Joe Gambill, General Contractor Qualifying Agent for B&J Concrete, Inc.

Harry Roy McGreggor, General Contractor Qualifying Agent for Hamlin Air Conditioning & Sheetmetal, Inc.

William Daniel Skinner, General Contractor Qualifying Agent for Georgia Paving, Inc.

A motion was made by Roger Huggins, seconded by Hoppy Hopkins, and the Board voted unanimously to approve the following for licensure through examination exemption:

Robert Paul Haynie, Jr., General Contractor Qualifying Agent for Summit Industrial Services, Inc.

A motion was made by Roger Huggins, seconded by Bob Barnard, and the Board voted unanimously to deny the following for licensure through examination exemption:

Ernest J. Shaw, Residential Basic Qualifying Agent for Pro-Craft Services, Inc.

A motion was made by Bob Barnard, seconded by Mark Herbert, and the Residential Basic Division voted unanimously to ratify the following for licensure through examination exemption. Said applicants were previously reviewed and approved by either Division members or by Executive Director, Kyle Floyd:

INDIVIDUALS

Baker, Nevin Carter

Banks, Carven Billy

Blankenship, Claude Allen

Broom, Bill Edward

Brown, Steven E.

Bryant, Mickey Ray

Burdett Jr., Irvin Alexander

Burney, Benjamin Ethan

Chester, Tony Wayne

Chism, Michael S.

Coleman, Leslie Edward

Couch Jr., George Travis

Dixon, James W.

Douglas, Joyce Elaine Webb

Francis, Norman Raymond

Gilliard, Reggie Dewayne
Hanks, Robert Paul
Ivey Jr., Marion Cody
Jackson Jr., Ralph Truman
Jordan, Jonathan Wayne
Love, Lance A.
Newberry, Keith Donald
Poppe, Gregory Kent
Sharpton, Wendell Jeffrey
Shepard Sr., Hoyt Sherwood
Sockwell III, Jack Wilbur
Thompson, Randy John
Thomas, Charles E.
Thomas, Everett D.
Underwood, Joshua Lee
Whitaker, Carl
Woodring, Mark Eugene
Yawn, John David

QUALIFYING AGENTS

Aaron, Richard Andrew of Cornerstone Construction Company
Aguiar, Wayne Manuel of Brownstone Builders & Associates, Inc.
Anderson, Adrienne Gail Shaw of Blue Ribbon Homes, Inc.
Bailey, Franklin of Homes by Bailey, Inc.
Beakes, Dianna Elizabeth Wingler of Wedgewood Homes, Inc.
Bramlett, Guy Jeffrey of G. Jeff Bramlett Builders, Inc.
Bridges Jr., Roger Ellis of Bridges Homes of Chestnut Hill, LLC
Brittain, Dan Scott of Brittan Properties, LLC
Brown, Daylon Craig of T.C. Brown Construction, Inc.
Brumbalow, Robert Troy of Troy Built Homes, Inc.
Cannon, James Brian of Three Bears Builders, Inc.
Coleman, Jason William of Coleman Homes, Inc.
Collett, Russell Allen of Palm Contracting & Development, Inc.
Curtin, Sidney M. of Southchase Properties, Inc.
Downing, Kurtis Scott of Downing Construction, Inc.
Green Jr., Oberly Smith of Jill Corp.
Griesemer, Glen Franklin of Big Canoe Building Group
Gunderman, Richard Willia
Haney, Shannon Andrew of Haney's Home Repair & Remodeling
Hansard, Larry T. of Larry Hansard Construction Company, Inc.
Haslam, Seth Stuart of Haslam Construction, Inc.
Hardeman, Mitchell Ronald of Hardeman Enterprises, Inc.
Hartley, Melinda Jane DeAngelis of Liberty Diversified, Inc.
Hawf, Anthony R. of Horizon Homes Remodeling, Inc.
Hershoran, Rise Terry Berkowitz of Crabapple Homes, Inc.

Johnson, Loyd H. of Loyd H. Johnson Construction Company, Inc.
Lin, Pin of Hightree Point, Inc.
McCain, Stephen Carl of Southeastern General, Inc.
Miller, Mark E. of Mark Miller Properties, Inc.
Patterson, Joseph C. of Patterson Development Corporation
Reu Jr., Norman Edgar of Norman Reu & Associates, Inc.
Reu, Norman Edgar of Norman Reu & Associates, Inc.
Smith, Diane David of Southland Development Corporation
Sumner, Faye Lynette Looney of Sumner Construction, Inc.
Van Horn Jr., Melvin T. of Van Horn Enterprises, Inc.
Webb, Bobby Dwight of Triple B Builders, Inc.

A motion was made by Philip Thayer, seconded by Hoppy Hopkins, and the Residential-Light Commercial subdivision voted unanimously to ratify the following for licensure through examination exemption. Said applicants were previously reviewed and approved by subdivision members:

INDIVIDUALS

Brown, James Roger
Goodwin, Kathy J.
Whitten II, Robert G.
Worsley, Henry Lowell

QUALIFYING AGENTS

Carter, Carl Randy of Randy Carter Construction, Inc.
Hamby, James E. of Gate Management Company, Inc.
Harrell, Charles Marvin of BDC, Inc.
Hawthorne, Jerry Edwin of JR's Land Company, LLC
Hellemn, Rodney W. of RWH, Inc.
Henke, Jeff Thomas of Appalachian Design & Development, Inc.
Hill, Michael S. of Tritt Construction Company, Inc.
McDaniel, Paul Douglas of J.D.M. Construction, Inc.
Rollins, Roy George of Steel-Pro, Inc.

A motion was made by Roger Huggins, seconded by Morgan Wheeler, and the General Contractor Division voted unanimously to ratify the following for licensure through examination exemption. Said applicants were previously reviewed and approved by Division members:

INDIVIDUALS

Bennett, Danny L.
Enloe, Jack James
McDowell, Dennis Hulett
Morey, Jr., Walter

QUALIFYING AGENTS

Abel, Frederick Maddox of Jimco Construction Company, Inc.
Anderson, Robert James of Sundance Construction, Inc.
Amburgy, Tony Chandler of RJJ Development, LLC
Barker, Kevin Harris of S.C. Barker Construction Company
Belling, Donald W. of George F. Richardson, Inc.
Betterton, Charles Ronald of Betterton Construction Company
Blalock, Todd Richard of ING Clarion Realty Services, LLC
Buck, Kenneth Alan of Lincoln Contractors, Inc.
Canada, Jon David of Canada Builders, Inc.
Cantrell, Ronald Nelson of Bob Cantrell Construction, Inc.
Casteel Jr., Robert C. of Casteel Construction Company, Inc.
Clark, Scott Alan of R.W. Allen & Associates, Inc.
Cooper, Douglas Stephen of Doug Cooper Construction Company, Inc.
Cooper, Lonnie E. of Lonnie Cooper & Sons, Inc.
Crumley, Jr., William Jarrell of Crumley's Construction Company
Curtis III, Charles Avery of Site Technologies, Inc.
Davies, Hiram A. of Davies General Contracting, Inc.
Davis, Dan A. of Partitions, Inc.
Dees, Ginger H. of E&D Contracting Services, Inc.
Dexter, Gregory Alan of Anegada Company, LLC
Diego, Pablo of Convest Development Corporation
Dominy, Michael Kenneth of All-Steel Buildings, Inc.
Ford, Melanie Jattuso of Whitsel Construction Services, Inc.
Gardner, Gary G. of Rendrag Construction Company, Inc.
Grizzel, Michael W. of Scroggs & Grizzel Contracting, Inc.
Heydinger, David K. of Mathias Corporation
Hoge, Marcus A. of The Marcus Corporation
Holliday, Landry Dain of Dahco Enterprises, Inc.
Hornback, Allen Dwayne of A.D.E. Builders, Inc.
Jones, Dwight Charles of Beechwood, LLC
Kennedy, Steve Allen of S.A. Kennedy, Inc.
Kent, Paul Richard of Paul Kent Contracting Company
Kleeman III, Carl George of TIC Holdings, Inc.
McKnight III, Mason H. of ACC Construction Company, Inc.
McWhorter, Stanley Aaron of SportsTurf Company, Inc.
Murff, James Phillip of Kendall & Murff, Inc.
Pridgen, Jack Henry of Pridgen Contracting, Inc.
Reynolds, Paul Starr of Carter-de Golian, Inc.
Russell, Donald Chayenne of DCR Construction, LLC
Senior Sr., Horace of Horace Senior Construction Company, Inc.
Spradling, Carl Phillip of Carl Spradling & Associates Building Contractor, Inc.
Rowland, Joseph Henry of Grace Development Corporation

Webster, William Gary of TGM Construction, Inc.
Wells, Brian Keith of Wells General Contracting, Inc.
Williams, Jr., James Arthur of R.E. Shearer Construction Company, Inc.
Wright, Joe C. of Douglas Electrical & Plumbing Company, Inc.
Wright, Maudine of Douglas Electrical & Plumbing Company, Inc.

The Board discussed new business items.

Discussion regarding consideration of those applicants with criminal backgrounds ensued.

Chairperson Huggins asked Board Attorney, Chris Helms, to explain O.C.G.A. § 43-1-19 and O.C.G.A. § 43-41-6 to the Board, in the hope that the Board will have a clear understanding of their authority when they are considering applicants with a criminal history. Chris Helms explained that both statutes give the Board authority to deny or otherwise sanction an applicant for licensure based on criminal history.

Roger Huggins commented that he was not comfortable denying licensure to applicants who have a criminal conviction if that conviction or convictions were not directly linked with the industry.

Chris Helms explained further that he would not recommend just looking at one statute alone and explained further, in response to a board member remark, that as a Board they are not "passing judgment" on these applicants with a guilty sentence because these applicants have already been convicted and found guilty of the crime(s) by a separate authority.

A motion was made by Roger Huggins, seconded by Hoppy Hopkins, and the Board members present voted, with the exception of Dan Cash, Steve Cash, Bob Barnard and Mark Herbert, all of whom opposed the motion, and Melissa Henderson, who abstained from voting, to consider the following for probation of licensure if he meets all other requirements for licensure:

William Greg Carson, Residential Basic Qualifying Agent for R&L Home Builders, Inc.

In response to the deadlocked vote, Chairperson Huggins voted in favor of the motion, breaking the tie. Conditions of licensure probation would be for Mr. Carson to pay in full his criminal restitution. Once the restitution is fulfilled, then his license would be removed from probation.

Chairperson Huggins asked the Board members to reconsider applicants previously denied due to criminal history. This discussion will resume at the January 10, 2007 Board meeting.

Hoppy Hopkins inquired if it would be possible, in connection with a particular applicant, to notify architects who are signing reference letters for General Contractors to make sure they as professionals are more mindful of what they are certifying when they sign these reference letters.

Executive Director, Kyle Floyd, explained that he would feel more comfortable sending such, if at all, to the State Licensing Board for Architects and Interior Designers and letting them handle it as they see fit. It is the Architect Board and not this Board who has authority over architects.

Chris Helms responded to Mr. Hopkins' inquiry by saying he was confused as to why this Board would write a letter to another professional that is not regulated by the State Licensing Board for Residential and General Contractors. He explained further that another professional outside of those that this particular Board regulates may be made *aware* of a problem, but this Board does not fully know that other profession and the rules regulating those who practice in it. Thus, how does this Board know, without some type of guidance or investigation (which the Architect Board could better provide), what the architects have or not done properly?

Chairperson Huggins told Executive Director Kyle Floyd that if he was uncomfortable signing such a letter that Chairperson Huggins would sign it.

A motion was made by Hoppy Hopkins, seconded by Mark Herbert, and the Board voted, with the exception of Philip Thayer who opposed and Roger Huggins who abstained, for a letter to be written to particular architects signing reference letters to express the Board's concern that the architects misrepresented certain facts about the applicants. Under the motion, the letter should be copied to the Georgia State Licensing Board for Architects and Interior Designers and should be drafted for Chairperson Huggins' signature.

With no other business for the Board to discuss, a motion was made by Mark Herbert, seconded by Bob Barnard, and the Board voted unanimously to adjourn the meeting at 3:10 p.m.

Minutes recorded by:

Alison M. Kessler, Board Secretary

Minutes reviewed/edited by:

Kyle Floyd, Executive Director